

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

**FLAME BAR & GRILL, LLC and
RAIFORD C. DUNBAR, JR.,**

Defendants.

Case No. 1:18-cv-61-JRH-BKE

**PLAINTIFF'S APPLICATION FOR
DEFAULT JUDGMENT AGAINST
DEFENDANTS**

COMES NOW your Plaintiff J & J Sports Productions, Inc. and requests that an entry of judgment by default be entered against Defendants Flame Bar & Grill, LLC and Raiford C. Dunbar, Jr. The Clerk has previously entered the default on Defendants Flame Bar & Grill, LLC and Raiford C. Dunbar, Jr. on or about May 1, 2018. At the time and place of the hearing, Plaintiff will present proof of the following matters:

1.

Defendants Flame Bar & Grill, LLC and Raiford C. Dunbar, Jr. are not known to be infants or incompetent persons or in military service or otherwise exempted under the Soldiers' and Sailors' Civil Relief Act of 1940; and,

2.

Defendants Flame Bar & Grill, LLC and Raiford C. Dunbar, Jr. have not appeared in this action; and,

3.

This Application for Default Judgment by the Court and supplemental pleadings were served upon said Defendants by mail to the address where service was effectuated on the Defendants; and,

4.

Plaintiff is entitled to judgment against the Defendants on the claims pled in the complaint. To wit:

A. By contract, Plaintiff paid for the proprietary rights to distribute “*The Fight of the Century*” *Floyd Mayweather, Jr. v. Manny Pacquiao – Championship Fight Program* broadcast of May 2, 2015, via closed-circuit television (hereinafter referred to as the “Program”).

B. With full knowledge that the Program was not to be intercepted, received, and/or exhibited by entities unauthorized to do so, the above named Defendants, and/or their agents, servants, workmen, and/or employees, did unlawfully intercept, receive and thereafter exhibit the Program at the time of the transmission at the address of the establishment, “Flame Bar & Grill”, an establishment operated by Defendants, and located at 830 Broad Street, Augusta, GA 30901. Please see the concurrently filed Declaration of Affiant.

C. Said unauthorized reception, interception and/or exhibition of the Program by said Defendants were done willfully and for the purpose of direct or indirect commercial advantage or private financial gain.

D. The unauthorized publication or use of communications, such as the transmission for which Plaintiff had the distribution rights, is prohibited by Title 47 U.S.C., Section 605, *et seq.*

E. The unauthorized reception, interception and exhibition of the Program at the address of the Defendants' establishment as described herein, is also prohibited by Title 47 U.S.C. sec. 553, *et seq.*

F. By said acts of receiving, intercepting and exhibiting the Program at the above-indicated address, Defendants tortiously obtained possession of the Program and wrongly converted same to their own use and benefit.

5.

Plaintiff seeks Judgment in its favor and against the Defendants in the amount of \$110,000.00 plus Attorney's Fees in the amount of \$1,200.00 (an Invoice detailing how those fees were calculated is attached). A breakdown of the relief requested is detailed within the Proposed Order concurrently filed.

6.

By and through this Application, Plaintiff also seeks recovery of its attorneys' fees and relevant costs incurred as provided for pursuant to 47 U.S.C. Section 553, *et seq.* and 47 U.S.C. Section 605, *et seq.*

This the 24th day of May, 2018.

**RAGSDALE, BEALS, SEIGLER,
PATTERSON & GRAY, LLP**

By: /s/ Ronald D. Reemsnyder

Ronald D. Reemsnyder, Esquire

Georgia Bar No. 597950

135 Prominence Court, Suite 160

Dawsonville, GA 30534

Ph: (706) 216-1272

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Attorney for Plaintiff

J & J Sports Productions, Inc.

Ragsdale, Beals, Seigler, Patterson & Gray, LLP

135 Prominence Court
Suite 160
Dawsonville, GA 30534
Ragsdale, Beals Tax ID: 58-1255413

Invoice submitted to:

J & J Sports Productions, Inc.
c/o Thomas P. Riley, Esq.
Law Offices of Thomas P. Riley, P.C.
First Library Square, 1114 Fremont Avenue
South Pasadena CA 91030-3227

May 24, 2018

In Reference To:

File No. 6050.0398
J & J Sports Productions, Inc. v. Flame Bar & Grill, LLC and
Raiford Dunbar

Invoice #13223

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
3/29/2018 RDR	Prepare and e-file Civil Cover Sheet, Complaint, Certificate as to Interested Parties and Corporate Disclosure Statement	1.00 300.00/hr	300.00
4/2/2018 JYR	Prepare and e-file Litigant's Bill of Rights	0.30 200.00/hr	60.00
JYR	Email process server regarding service of Flame Bar & Grill, LLC and Raiford C. Dunbar, Jr.	0.20 200.00/hr	40.00
4/4/2018 JYR	T/c with process server regarding service of Raiford C. Dunbar, Jr. and Flame Sports Bar & Grill; diary Answer due date	0.20 200.00/hr	40.00
JYR	Email process server the Return of Service forms	0.10 200.00/hr	20.00
4/6/2018 JYR	E-file Proofs of Service of Raiford C. Dunbar, Jr. and Flame Bar & Grill LLC	0.20 200.00/hr	40.00
4/30/2018 RDR	Prepare Application for Clerk's Entry of Default and Affidavit in Support of Application for Clerk's Entry of Default	0.60 300.00/hr	180.00

J & J Sports Productions, Inc.

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		<u>Hrs/Rate</u>	<u>Amount</u>
5/1/2018	JYR	0.20	40.00
	E-file and serve Application for Clerk's Entry of Default and Affidavit in Support of Application for Clerk's Entry of Default	200.00/hr	
	RDR	0.10	30.00
	Receive notice of clerk's entry of default as to Raiford C. Dunbar, Jr. and Flame Bar & Grill, LLC	300.00/hr	
	JYR	0.10	20.00
	Email client regarding need for Affidavit to support default judgment	200.00/hr	
5/8/2018	RDR	0.10	30.00
	Email Attorney Haugabrook regarding case details	300.00/hr	
5/14/2018	RDR	0.20	60.00
	T/c with Mr. Dunbar regarding possible settlement	300.00/hr	
5/23/2018	RDR	1.00	300.00
	Prepare Application for Default Judgment, Declaration Supporting Default Judgment, Memo in Support of Default Judgment and Proposed Order Granting Default Judgment	300.00/hr	
	JYR	0.20	40.00
	E-file and serve Application for Default Judgment, Declaration Supporting Default Judgment, Memo in Support of Default Judgment and Proposed Order Granting Default Judgment	200.00/hr	
	For professional services rendered	<u>4.50</u>	<u>\$1,200.00</u>

INVOICE IS DUE UPON RECEIPT AS IT INCLUDES CHARGES FOR WORK ALREADY PERFORMED AND EXPENSES PREVIOUSLY ADVANCED. IF NOT PAID WITHIN TEN (10) DAYS OF RECEIPT, INTEREST AND LATE FEES MAY APPLY

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **Plaintiff's Application for Default Judgment by the Court Against Defendants** and the supporting pleadings submitted with the Application upon the Defendants in this matter by depositing the same in the United States mail with adequate postage thereon, properly addressed as follows:

Flame Bar & Grill, LLC
Raiford C. Dunbar, Jr.
2002 Walter Farms Drive
Hephzibah, GA 30815

This the 24th day of May, 2018.

**RAGSDALE, BEALS, SEIGLER,
PATTERSON & GRAY, LLP**

By: /s/ Ronald D. Reemsnyder
Ronald D. Reemsnyder, Esquire
Georgia Bar No. 597950

Attorney for Plaintiff
J & J Sports Productions, Inc.

135 Prominence Court, Suite 160
Dawsonville, GA 30534
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